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LSSS Discusses Funding Teams

By Maureen McAndrew

Discussion of the upcoming First Year Senate elections dominated the September 25th LSSS meeting. President John Moore reported that, following Senate members speaking to first-year classes about the upcoming elections, 16 students submitted petitions. However, two of the 16 wrote over the 100-word limit. He suggested that the Elections Chair either call the individuals involved and have them edit their petitions, or the Chair could make the needed alterations if constrained by deadlines. Moore noted that candidates actually called Senate members last week to ask the definition of a "word." Moore joked, "We're not seeking disciplinary actions."

The LSSS then debated whether it

should help to defray the cost of the Law School soccer and hockey teams. Moore reported that twenty people play on the soccer team, and the total cost for the whole team is \$40. Twenty people also are members of the hockey team; the annual cost is \$285, with an additional \$80 per practice session at the arena.

Secretary Enid Stebbins argued against Senate funding. "Women pay \$15 for aerobics, and we're not funding aerobics." Treasurer Beth Rickher argued for a "broad range" of organizational funding, asking, "Why is this different from any club?" "They should pay it. They decided to play it. It's an expensive sport," Vice President Mike Lawrence stated, concerning hockey. Lawrence said that the per person cost is

not prohibitive, adding, "Lots of people play in grad leagues and we don't pay for them." The issue was sent back to the Sports Committee, which could request money in its budget to cover the events.

On another sports-related issue, Moore reported that he will write to Bo Shembeckler and request a priority in seating for law and graduate student ticket holders. It was agreed that law students should be seated outside the Freshmen sections.

Enid Stebbins asked the LSSS should do something concerning Baker & McKenzie. Moore replied that he would send a letter to Dean Bollinger next week, in which he will attempt to find out the reasoning behind Bollinger's decision to allow the firm to recruit on campus this year.

Ever Notice Lee Bollinger and Dan Quayle Are Never Together?

The Res Gestae

Vol. 38 No. 3

The University of Michigan Law School

September 27, 1989

1989-90 Campbell Competition Begins

By Paul Czarnota

The 1989-90 Henry M. Campbell Moot Court Competition held its organizational meeting Monday, announcing structural changes and deadlines for entering. Campbell Board members Joe Berman, Martha James, Malcolm Sandilands and Johan Brigham explained the system to about 150 people in Room 100.

The competition will again be three rounds: quarter-finals (everyone), semi-finals and finals. Berman stated that the number of teams in the semi-finals would be between eight and sixteen, depending on how many teams entered the competition. In a departure from past years, the finals will be composed of two teams, one on each side of the topic. Previously, four teams with two on each side entered the finals.

The Board announced that, in order to be true to the spirit of the event, each participant will have to argue in each round. However, each team will only be required to submit one brief. The topic will change between the quarter-finals and the semi-finals; the same general issues of law will remain with a varied fact setting.

Students may register for the tournament until Thursday, September 29th, at 5:00 p.m. "We want to stress that anyone wishing to participate in the Campbell Competition who did not attend the meeting can still enter," said Berman. Team member names should be placed on a 3x5 card with addresses and telephone numbers and returned to the Moot Court Office, Room 377 Legal Research. Individuals may also enter and work alone.

Teams and their sides in the question will be posted Friday. The brief will be due Wednesday, October 18th, at 6:00 p.m. in the Moot Court Office. Argument dockets will be posted October 19th, with actual arguments beginning on October 30th. The semi-finals begin in early January, with the finals commencing in late March or early April.

Scoring in the opening round will consist of a possible 100 points for the brief and 50 points for each argument. Individual entrants will have their argument score doubled. The judging in the opening rounds will be conducted by faculty members and practitioners from the community. Semi-finals will be judged by faculty members, with the finals set for undetermined faculty

members and current judges.

This year's topic concerns a euthanasia case, where a family wants the life support systems removed from a vegetative-state relative, and the hospital and doctor refuse to comply with their wish. The district court split its decision, holding that the hospital must remove the respirator the victim is on, but not the nutrition and hydration through a G-tube. Since the victim did not die with the removal of the respirator, her husband appeals the decision. The appeals court affirms the decision and the Supreme Court of the State of Atlantis, the imaginary setting of the situation, issues a writ of certification and the case is before that court. An appeals decision accompanies the fact description.

Speaker Discusses Venture Capital Strategies

By Anthony Balon

In a lecture sponsored by the Intellectual Property Students Association (IPSA) last Friday, Jacqueline Daunt, partner with the Palo Alto firm Fenwick, Davis & West, discussed the role her firm plays in the development of venture capital strategies for high technology companies.

Fenwick, Davis & West attorneys assist high technology companies in a variety of ways. Among the services provided to clients are selecting a business form, avoiding income tax liability on the issuance of stock, securing rights to technology, developing a business plan, and seeking the support of venture capitalism.

A typical client is an entrepreneur who is seeking legal advice for the first time. According to Daunt, the clients expect their lawyers to help them with matters of busi-

ness judgment as well as to provide legal assistance. As a result, lawyers for high technology companies frequently develop more intimate relationships with their clients than are generally possible when one's clients are large institutions.

"You become an amateur shrink for the CEO. [The CEOs] don't have a V.P. they can turn to, so they turn to their accountant or their lawyer for help," Daunt said.

International taxation, licensing, and joint ventures are also a significant part of serving clients in the high technology sector. International trade typically accounts for 15-50% of a high technology company's sales, according to Daunt.

Daunt said she does not have a technical or business administration degree from college, nor did she take any intellectual

property or business courses in law school. When asked whether a technical degree was required of a new lawyer entering the field, she indicated that it was not necessary to have a technical degree, though many lawyers at her firm do.

In appraising the future of Silicon Valley, Daunt said the region was superior to any other in the number of start-up high technology firms, the quality of the technological infrastructure, and the availability of venture capital. She mentioned that some people think Silicon Valley will "top-out and die" due to the high cost of living and other problems. While Daunt believes the "top-out and die" phenomenon might materialize for manufacturing companies, she doesn't expect the effects on start-ups to be as severe.

Eklund Clears Nine More

By Colin Zick and Paul Czarnota

Associate Dean Susan Eklund told *The Res Gestae* this week that she would be dismissing allegations of unethical conduct against nine students shortly. These students were part of a group of 28 students who had allegedly surpassed the word limit on Professor Carl Schneider's Winter Semester Property exam.

This second dismissal of names from those who could appear before the Committee on Professional Responsibility leaves only four students whose fate is undetermined at this time. Eklund had no comment on these students' situation.

The Res Gestae

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The Res Gestae is published every Wednesday during the school year by students of The University of Michigan Law School. Opinions expressed in hyphenated articles are those of the authors and do not necessarily represent the opinions of the editorial staff. Subscription prices are \$10 a semester and \$15 for a full academic year. Articles may be reprinted without permission, provided that the author and The Res Gestae are credited and notified. Mailing address: The University of Michigan Law School, 721 S. State St., Ann Arbor, MI 48104-3040. Phone: (313) 998-7976.

Submissions to The Res Gestae should be placed in the newspaper's pendaflex in Room 300 Hutchins Hall by 6 p.m. on the Sunday preceding publication. Items submitted after this time will not normally be considered for inclusion in the following issue. Anonymous submissions will not be printed unless the identity of the author is disclosed to the editors and there is a compelling reason for the author to remain anonymous.

The Res Gestae requests that submissions be placed on Macintosh disks. This will save us time and expedite the printing of your ideas. The piece may be typed in any of the following word-processing programs: WriteNow, Microsoft Word, WordPerfect or FullWrite.

Business as Usual

BAKER & MCKENZIE committed the recruiting violation to end all violations, it would seem, last year. Using racial slurs to "stress test" a black student in an interview was rightly met with outrage from all corners. Baker and McKenzie apologized profusely, met with students and faculty at the University of Chicago Law School and appeared to be making amends. With this backdrop, Dean Bollinger withheld sanction, pending the firm's actions.

It is past time for a statement on the situation. We find, however, the silence of the administration has spoken volumes, again. Instead of a stand, one way or the other, we have been given the now common tactic of *de facto* action: the firm was here and is gone.

Congratulations to the Black Law Student Alliance and the other groups for their protest of the interviews. All students should have supported this effort.

One can only ponder why a school which prides itself on the diversity of its student body and the priority it places therein for its community would let slip by such a grand opportunity to reaffirm that commitment.

P. S. C.

Getting There

Dean Susan Eklund's announcement that only four students remain under consideration for potential sanctions is the first word heard from the administration in some time, and it is sane. It can only be hoped that the remainder will not be sent up before the Committee on Professional Responsibility either.

P. S. C.

For The Record

The Res Gestae is unaware of the alleged break-in of Professor Carl Schneider's office recently. Let the record reflect that the RG knows nothing of what has gone on concerning Schneider's office or personal effects. We do not condone such means and do not employ them.

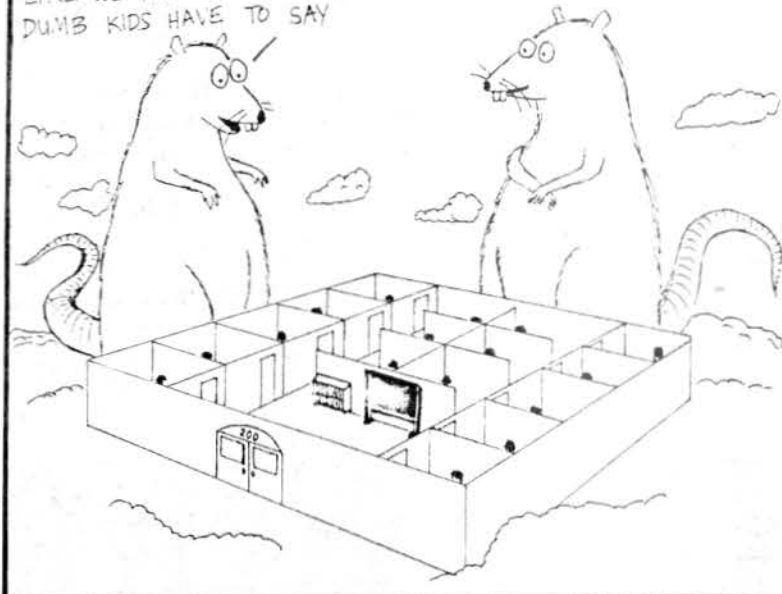
Any information used by us was given to the paper without any prompting or solicitation. We hope this statement puts this issue to rest.

P. S. C.

ROOM 200: RAT HEAVEN

poneck

...AND THEN I SHAPED THE CHEESE INTO STUFFY INTERVIEWER TYPES, SO ALL WE HAVE TO DO IS ASK THE QUESTIONS LIKE WE REALLY CARE WHAT THESE DUMB KIDS HAVE TO SAY



Bollinger Speaks on Grading Controversy

Editor's Note: Due to the seriousness of the grading controversy in Professor Schneider's Property class, The Res Gestae has granted Dean Lee C. Bollinger space to address the Law School on this matter.

To the Law School Community:

The recent articles in *The Res Gestae* about Professor Carl Schneider's grading practices raise some deep concerns for all members of this community. I as well as other members of the staff (especially Associate Dean Sue Eklund) have spent a considerable amount of time with virtually all of the people who are most directly concerned with these issues. But I now must speak more publicly about some matters.

It appears that Professor Schneider's personal grading records for the Spring examination were stolen from his secretary's office. This information formed the basis of the most recent *Res Gestae* article. The stealing of private records is obviously bad and threatens us all. I have asked the university Security Office to help us identify those who violated our code.

I also want it known that Professor Schneider consulted with me, as well as with many other members of the faculty and staff, before deciding to assign incompletes to those students who exceeded the word limit. I told Professor Schneider that, while I personally enforce answer limits by grading only that portion of the answer that is within the stated limit, the method of enforcement Professor Schneider ultimately chose was, in my judgment, a reasonable option for a teacher.

It is also my belief that the options eventually made available to the students involved — those of taking another examination prepared by Professor Schneider and given at the beginning of this semester or of taking a pass-fail option on the initial examination — were very reasonable accommodations to those who exceeded the word limit.

I am in no position to comment on the *Res Gestae's* assertion of inconsistency between what Professor Schneider is reported to have said to the reporter and what he actually did in raising grades to reflect classroom participation. I do want, however, to say a few things that I hope are both indisputable and undisputed. First, adjusting grades for participation is wholly warranted and equally wholly within the discretion of individual professors. Second, the curve guidelines are recommendations based on general grade distributions in hundreds of cases — stronger recommendations, to be sure, for the first year, but nonetheless only recommendations. Third, and finally, I want to express my deep belief that our faculty spends more time on the grading process, for the purpose of insuring its fairness, than any other faculty group within this or any other major university.

Some students have expressed to me, and I suspect to others, the concern that they might be the victims of completely arbitrary grading practices and yet have no recourse. I believe that not to be true. There is, it must be said, great autonomy for individual professors to teach as they, in their good professional judgment, see fit. We rely on the good faith of the faculty, believing that their freedom to structure their courses will create a better learning environment that a more tightly and collectively organized system. Of course, as is true of any grant of autonomy, mistakes and misjudgments may occur. An autonomy system can tolerate intervention on rare occasions for gross misbehavior, but all is lost when investigations are lightly launched even when serious claims are made in good faith. That being so, I also hope no one will underestimate the amount of nonpublic time many, many people have put into this episode.

I ask that it now be put to rest.

Lee C. Bollinger
Dean

The Res Gestae encourages letters and columns on a variety of subjects. Call 998-7976 for more information.

Administration's Integrity Questioned

Editor's Note: The RG, recognizing unusual circumstances, granted the author's request for anonymity.

To the Editor:

The RG's coverage of the Schneider affair has cast serious doubts on Professor Schneider's motives for giving one-third of the students in his Winter property class an incomplete grade and referring them for disciplinary review. However, as one of the students involved, I am more deeply disturbed by the Law School administration's blind support for Professor Schneider's discretion without regard to the injustice of his actions.

The RG's editor in chief rightly stated that the administration shared responsibility for the mishandling of this controversy, but he pointed only to the administration's inaction (editorial, Sept. 13). In fact, the administration acted immediately to silence the protestations of the students involved by cutting off all channels of informal communication with them and by declaring, without an open investigation according to Law School procedures, that Professor Schneider acted within his prerogatives.

Robert Goldberg's commentary last week stated that of course the disciplinary charges were ludicrous and that Dean Eklund could be relied upon to be fair-minded. However, this was far from evident to the 28 students during the months following their receipt of Professor Schneider's letter. Dean Eklund's vacillations and misrepresentations, whether reflective of her own decisions or of those of someone else in the administration, are very troubling. For two full weeks after receiving Professor Schneider's letter of July 8, I and many other students tried repeatedly but to no avail to talk with Dean Eklund who would not come to the telephone. We were told by her secretary that Dean Eklund was on vacation. However, by her own admission, Dean Eklund wrote to me that she was "about to leave Ann Arbor for a previously scheduled family vacation," and, to my knowledge, at least two students who were in Ann Arbor met personally with her during the week of July 10. The first response I received from the Administration was Dean Eklund's letter of July 19, informing me that I had the right to remain silent and might retain counsel to represent me during her disciplinary investigation which could commence in September. In other words, all channels of communication were to be closed to me for two months prior to the commencement of a formal disciplinary investigation.

Dean Eklund likewise impeded the efforts of students to contact each other. The Records Office initially agreed to furnish to one student the summer addresses of the students in Professor Schneider's section as long as the staff was provided with a list of names. When the list was presented, however, the office staff consulted with Dean Eklund and then returned with the news that the addresses would not be released until the following week (presumably, allowing enough time for Dean Eklund's July 19 letter to be received by those students). The Records Office refused to release the addresses even though the student requesting the information offered to transcribe the addresses himself.

Lastly, Dean Eklund represented that she had no authority to act outside of the disciplinary process. However, I am aware that about the end of July or the

beginning of August, Dean Eklund wrote directly to Professor Schneider, requesting him to grade the exams of approximately four students. This request regarded an academic, not disciplinary, matter.

Dean Bollinger's injudicious dismissal of the students' objections to Professor Schneider's actions is the most distressing aspect of the entire episode. On July 12, Dean Bollinger wrote a two-sentence letter to one student, categorically declaring, "I have decided that Professor Schneider has acted within his prerogatives . . ." Dean Bollinger omitted to state that formal avenues of redress exist whereby a student can compel the administration to investigate the conduct of a faculty member to determine whether or not he acted arbitrarily, capriciously, discriminatorily or otherwise in bad faith. (Dean Eklund did allude to this procedure, if not by name, in her July 19 letter.) A student filing a formal grievance action with the Dean is entitled to representation by legal counsel. The Dean may request the advice of the Administrative Committee. Aside from the question of whether, after his July 12 letter, Dean Bollinger could later conduct an impartial review of Professor Schneider's conduct in a grievance action, any "decision" with regard to Professor Schneider's grading made outside of the formal grievance procedure was necessarily preliminary. At the very least, the tone of Dean Bollinger's letter was misleading in its implication that the students were precluded from recourse to a fuller administrative review of Professor Schneider's actions.

The sequence of events following Dean Bollinger's July 12 and Dean Eklund's July 19 letters indicate that the administration had the power to temper Professor Schneider's exercise of discretion and to resolve the controversy more favorably to the students. By the end of July we were notified that Professor Schneider finally agreed to retest us in the middle of September, and by the end of August we were informed that we could elect to have our old exams graded on a pass/fail basis. Likewise, on Sept. 7, way ahead of the schedule set forth in Dean Eklund's July 19 letter, Dean Eklund officially dismissed all disci-

plinary charges against me.

It is likewise evident that the administration did not retract its support for Professor Schneider out of concern for the rights of the students involved, but because it was placed under mounting pressure from alumni and partners at law firms across the country. It was my experience that practicing attorneys uniformly responded with outrage to Professor Schneider's conduct. For example, several partners in my summer firm, who have the highest credentials and have argued with success before the United States Supreme Court, were eager to represent me in pro bono litigation against the Law School. A former professor and close friend who holds the highest academic post at an Ivy League university was appalled not only at Professor Schneider's actions, but at the Law School's response and gave me the name of a prominent legal scholar to consult. To my knowledge, many other students received similar support from attorneys in their summer firms. This support sustained me during the difficult months after I received Professor Schneider's intimidating letter as I attempted to speak with an indifferent administration motivated by only its self-interest to avoid legal suit.

This administration's proclivity to speak out of both sides of its mouth and its attempts to silence the objections of the students in disregard of formal procedures speaks poorly for the moral character of the School. It is highly ironic that a professor who has now been revealed to have misrepresented his reasons for giving the incompletes, a Dean who discouraged communication with herself and other students and who violated her stated policy of not intervening in the controversy outside of the disciplinary process, and Dean Bollinger who misleadingly attempted to squelch the students' objections, should be called upon to judge my actions in "overwriting" on an exam given under unfair test conditions. These events have shaken my faith in the integrity of this administration and faculty, without which they are unworthy to exercise their coveted privilege of academic discretion.

GIBSON, DUNN & CRUTCHER

*is pleased to announce that it will be interviewing
interested 2nd and 3rd year students on*

**Monday, Tuesday and Wednesday
October 16 - 18, 1989**

Our firm consists of over 700 attorneys in 16 offices around the world including seven offices in California, and offices in Washington, D.C., New York, Denver, Dallas, Seattle, London, Paris, Riyadh, Hong Kong and Tokyo. Gibson, Dunn & Crutcher offers an unusually wide choice of areas of emphasis in practice, with four departments - Corporate and Business, Litigation, Labor, and Tax and Probate - and practice groups including: insolvency and bankruptcy, financial institutions, international, mergers and acquisitions, media, and natural resources. Summer Associates have the opportunity to become acquainted with several of the firm's offices and to participate in a wide variety of legal and social activities.

*We will be holding a cocktail hour for all interested candidates on Sunday, October 15, 1989, at
DOMINICKS from 6 to 8 P.M. We look forward to seeing you.*

Classifieds

Announcements or personal notes may be turned in to Lisa Salvia's pendflex (3L) by noon Mondays. Recognized student organizations in good standing with the RG may place announcements of upcoming events or meetings free of charge. Individuals may place personal notes for 50¢ for the first 25 words, and 25¢ for each additional 10 words. Please submit remittance with your ad.

WANTED

Wanted: a parking or garage space, preferably near law quad. Will pay. Call Maureen at 764-9059.

Notices

All organization and committee budget requests are due FRIDAY, SEPTEMBER 29 at 5 p.m. at the LSSS office, Rm. 114LR. No

Notices

late requests will be accepted. Budget procedure information and forms are available as follows: New Organizations: LSSS office door; Previously funded organizations: 3rd floor pendaflexes; LSSS Committees: mailboxes by LSSS office. If you have questions call Beth, LSSS Treasurer at 764-9060.

The Family Law Project, a volunteer

Notices

legal aid clinic for victims of domestic violence, is looking for student volunteers. Interested students should contact Christine Drylie at 763-6591 or by pendaflex.

The Quadrangle, the law school yearbook, is looking for a Layout Editor, a Business Manager, Section and Copy Editors, layout staff, and photographers.

Notices

No yearbook experience is necessary. Please contact Christine Drylie by pendaflex, if interested.

It's not too late! A limited number of 1987-88 and 1988-89 Quadrangles (the law school yearbook) are still available. For more information, contact Christine Drylie by pendaflex.

Fisher, Rushmer, Werrenrath, Keiner, Wack & Dickson, P.A.

of Orlando, Florida

*is pleased to announce that it will be interviewing
interested second and third year students on*

Tuesday, October 17

for summer and permanent employment, 1990.

Student interview request cards are due in the Placement Office TODAY.

Hancock, Rothert & Bunshoft of San Francisco, Los Angeles, Tahoe City & London*

*is pleased to announce that it will be interviewing
interested second and third year students on*

Thursday, October 5

for summer and permanent employment, 1990.

*Interviewing mainly for San Francisco office; one entering
associate position open in Los Angeles office.

Late interview sign-up begins in the Placement Office on September 28.

Baker & Hostetler of Cleveland, Columbus, Denver, Orlando, and Washington D.C.

*is pleased to announce that it will be interviewing
interested second and third year students on*

Thursday & Friday, October 19 & 20.

On-campus interviewers from our Columbus and Washington,
D.C. offices will be interviewing on October 19 and on-campus
interviewers from our Cleveland office will be interviewing on
October 20.

Student interview request cards are due in the Placement Office TODAY.

Shumaker, Loop & Kendrick of Toledo, Ohio

*is pleased to announce that it will be interviewing
interested second and third year students on*

Monday, October 16

for summer and permanent employment, 1990.

Student interview request cards are due in the Placement Office TODAY.

Johnson & Gibbs A Professional Corporation

*of Dallas, Austin, Houston and
Washington, D.C.*

*is pleased to announce that it will be interviewing
interested second and third year students on*

Friday, October 20

for positions with the firm during summer, 1990.

Student interview request cards are due in the Placement Office TODAY.

Butzel, Long, Gust, Klein & Van Zile

of Detroit, Michigan

*is pleased to announce that it will be interviewing
interested second and third year students on*

October 16, 17 & 25

for summer and permanent employment, 1990.

Student interview request cards are due in the Placement Office TODAY.

Sports Committee Announces Fall Events

By Steve Olson

Delightful and dedicated sports committee chairpersons Terry Darden and Margo Kirchner have put together a spectacular and fast-paced schedule of exciting and entertaining events which promise to provide something for everyone as well as fun for the whole family.

The women's, men's, and doubles' tennis tournaments are already underway as Julie Chen and her unstoppable two-fisted backhand made their long awaited return to the asphalt. The competition is expected to be concluded sometime between mid-October and the turn of the century, depending upon the weather.

Today and tomorrow, Wednesday, September 28 and Thursday, September 29, are your last days to sign up for Beach Volleyball (four-person tournament to be played Sunday, October 1) and Spring Golf (scramble tournament on Sunday, October 8).

An experimental sport is next on the agenda, as the perennial crowd favorite, grueling and strategically challenging law school Croquet makes its Ann Arbor debut Friday, October 13. Since the announcement of the tournament last week, Croquetmania has been sweeping through the law school like a big confused broom.

Saturday, October 21 marks the date of the most important event in American sport, the U.-Va. Softball Qualifying Tournament. Last year's superteam *Smell the Glove* lost four valuable members to graduation and could face stiff competition from the dreaded *Sluggers* and their unique brand of softball.

The 5-K Charity Run will take place this year on frigid Friday, November 10. Kelly Conroy has been tirelessly training all year in the relentless pursuit of defending her coveted golden buttocks award. She should face stiff

competition this year, however, from Pam Barkin.

The final event of the fall sports season is traditionally the one which is last and this year is no exception. November 16 is the date for every lawyer's favorite, indoor bowling.

Each of these fun and free events may require a nominal participation fee, but it all goes to your further enjoyment of law school.

Aside from the officially sanctioned law school tournaments, many a law student also participates in intramural activities where one learns the joy of destroying undergrads and teams from other professional schools.

Football, Volleyball, and Ultimate Frisbee teams will soon be beginning competition, and the powerful law school soccer team *Thongs of Grass* dominated an overmatched and measly opponent winning its first match 2-0. The team plays games at 8:45 p.m. every Monday night at Mitchell Field and any crowd support would be greatly appreciated and entirely unexpected.

The immensely average and incredibly overpublicized law school hockey team *Thongs on Ice* begins its grueling pre-season workouts next

month. Any law student, especially first-years, with actual hockey ability who would like to play with the *Thongs* should drop a note in Cap'n Adam Shayne's overused pendafilex. But you better be good: the Decade of the Thong is almost upon us.

Finally a message to you uptight and overcompetitive first-years. Word is out that your class had the lowest admission standards of any in recent memory, a fact which should hasten Michigan's already steep decline down the law school rankings. Put another way, you have no futures. So get out there and have some fun by participating in law school sports. You'll be glad you did.

Willkie, Farr & Gallagher of New York, New York

*is pleased to announce that it will be interviewing
interested second and third year students on*

Monday, October 16

for summer and permanent employment, 1990.

Student interview request cards are due in the Placement Office TODAY.

Alzheimer & Gray of Chicago, Illinois

*is pleased to announce that it will be interviewing
interested second and third year students on*

Friday, October 20

*for positions with our firm during Summer, 1990 and for
permanent employment.*

Alzheimer & Gray is a general practice firm of 170 attorneys. We are one of the oldest and one of the fastest growing firms in Chicago. We specialize in the whole range of corporate law, and have lawyers who practice in all of these areas: corporate, securities, litigation, real estate, bankruptcy, environmental, intellectual property, international, health care, municipal, labor, tax, ERISA, antitrust, white collar criminal, probate and estate planning. We are informal, friendly and dynamic. We work very hard, enjoy what we do, make a very good living and pursue a variety of outside interests. Come meet us on Friday, October 20.

Student interview request cards are due in the Placement Office TODAY.

Harold Speaks: This Week's Hot College Football News

By Harold Hunter

With the season rapidly unfolding, it's time for a few quick glances around college football. . . . Michigan is one of the strongest teams in college football. The only problem is their offensive line doesn't play like it, nor does the coaching staff coach like it. When will Bo let Elvis, or for that matter, Michael Taylor - a fine passer when given the opportunity, throw the ball on first or second down **early** in the game? I'm sure Bo makes a great dancer - run, run, pass, and punt . . . run, run, pass, then punt - but he ought to open up the offense before they get a touchdown or two behind. That way, late in the game, Michigan can use their fine power running attack to protect leads and drain the clock. However, Bo does have a lot more victories under his belt than I do . . .

The word out of Nebraska is that quarterback Gerry Gdowski is the best option quarterback they've had since the Turner Gill era. Gerry is also a decent passer, completing 65% of his passes so far. In fact, the senior has many insiders wondering why Steve Taylor started all those years ahead of him. The Huskers largely had to abandon the triple option during Taylor's reign because of his inability to make the right decisions and effectively pitch the ball. However, the big quarterback story in Lincoln is Mike Grant, the unheralded true sophomore who broke all of Turner Gill's freshman team running and passing records last year. Initially, the 6-2, 200-pound speedster chose to redshirt this year, but against Minnesota last week changed his mind and told Tom Osborne he wanted to play. Accordingly, as is Dr. Tom's policy, he granted Mike's wish and used him in the fourth quarter after Gdowski and the other soph sensation, former USA Today and Parade All-American Mickey Joseph, quarterbacked the team. The Huskers appear loaded at quarterback for a couple of years.

Out in smog land, both USC and UCLA possess young

quarterbacks undoubtedly headed for greatness. Todd Marinovich, after a couple of shaky starts, absolutely chewed up a decent Ohio State defense, finally showing the greatness many expected of him since his junior year of high school. If he continues his development, and a couple of teams lose a game or two, he could quarterback the Trojans right back into the national championship picture. It's not entirely impossible that a once-beaten Trojan squad could play a once-beaten Michigan for all the marbles in the Rose Bowl on January 1st.

Although the Bruins are smarting after snatching defeat from the jaws of victory against the Wolverines, UCLA coach Terry Donahue must be smiling about the play of redshirt freshman quarterback Bret Johnson. While he's still prone to making the youthful mistakes expected from freshmen, he looks a lot like a young Rodney Peete with his aggressive roll-out style and quick, strong arm. Look for great things from Johnson and the Bruins in the coming years.

PREDICTIONS OF TOP GAMES THIS WEEK

(Harold's record in predictions of top games so far is 9 wins, 5 losses. Against the spread, he is also 9-5. And you wondered how a poor Nebraska boy could afford this horrendously expensive place.)

COLORADO at WASHINGTON — This is a difficult game to predict because of several emotional intangibles. Explosive Colorado must somehow deal with the tragic death of their spiritual leader, former quarterback Sal Aunese. The Buffs gathered each day after practice this season and prayed for Aunese, struck down with inoperable stomach cancer after leading Colorado to a fine season and a bowl game last year. The players dedicated this season to Sal and even had his name sewn on the sleeves of their jerseys. How they will react to his passing away is anyone's guess.

Washington is coming off a heartbreaking loss to

Arizona in their PAC-10 opener. However, teams that lose tough games on the road and then play another big game at home the next week traditionally play very well. Thus, while the Buffs have more talent, I see the emotional factors as too much to overcome for Colorado in this tough battle. WASHINGTON 24 COLORADO 21

MIAMI AT MICHIGAN STATE — Michigan State surprised many last week in pushing Notre Dame to the limit before finally succumbing to the talented Irish. Once again, here we have a team losing a heartbreaker on the road and returning home to face a great team at home. Miami's defense is absolutely superb, and has carried the 'Canes thus far with quarterback Craig Erickson sporadically struggling. If the Spartans' tough defense can once again rise to the occasion like last week, this could be a huge upset. However, the 'Canes possess a more balanced offense than does Notre Dame, and the Spartans may find it tough to load up against the run, which occurred often against the Irish. In addition, playing the nation's two best teams back-to-back may be too much for any team to physically withstand. I think it will be close, but the Spartans will probably lose another heartbreaker. MIAMI 17 MICHIGAN STATE 13

OTHER GAMES:

AUBURN 21 TENNESSEE 18
MICHIGAN 30 MARYLAND 13
USC 23 WASHINGTON STATE 17
WEST VIRGINIA 27 PITTSBURGH 20
OREGON 20 ARIZONA 19

HUNTER'S TOP GUNS:

- | | |
|---------------|------------------------------|
| 1. NOTRE DAME | 7. HURRICANE HUGO - |
| 2. MIAMI | With a strong air attack and |
| 3. COLORADO | a devastating ground game, |
| 4. MICHIGAN | he is the strongest force in |
| 5. NEBRASKA | ACC country in quite some |
| 6. CLEMSON | time. |

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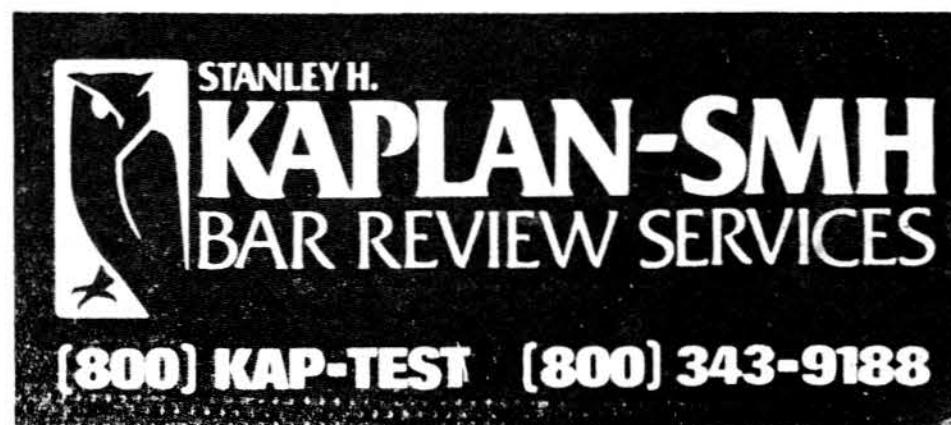
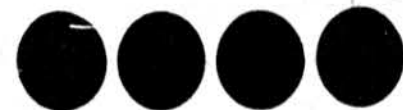
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For Pete's Sake, It Ain't the World Series

By Robert L. Jones

Of all the injustices, abuses, and horrors visited upon summer law clerks, there is one that is clearly in a class all its own. It borders on a violation of the eighth amendment's prohibition against cruel and unusual punishment and certainly violates the Geneva Convention. Anyone who has undergone this ordeal knows that I can only be referring to one thing - law firm softball!

Early in my summer of clerking, I was told of the city-wide softball league comprised of about thirty firm and government teams. Every week, hordes of armchair athletes locked in mortal combat for the honor of their firms and to drink beer. I was also told that our team was famous for its fine attitude and sportsmanlike behavior. In other words, we stunk.

Soon afterwards, we had our first game. For days, I looked forward to it with eager anticipation. Here was a chance to recreate with some of my co-workers and show another side of myself. Here was a chance to get a good workout and improve my cardiovascular health. Here was a chance for some major brown-nosing.

Now, I'm not the most athletic guy in the world, but I always enjoy a good game. Unfortunately, this was not a good game.

The night was stormy and many of our firm's mighty athletes decided not to show up. "Ooooo, we didn't know the game would still be on," we were told by the no-shows the next day. "It was so moist out." The game went on, however, with myself and six others upholding the firm's honor. Fortunately, we had the enemy outnumbered as the other team only fielded six players.

My initiation into firm softball was a wet and slippery one. For the next hour and a half, the seven valiant warriors slipped, slid, fell and ended the game all wet and covered with grass. Final score: US 18 THEM 35. A real edge-of-your-seater. Actually, we had them on the run for awhile. Then the game started and they scored fifteen runs. On the good side, I hit four for five.

The next time I played, I was ready. The evening was clear and warm. We had a full team and were very Partner-heavy. This was prime show-off time. A few hits, some stunning glove work and it's "hello job".

As we had more than ten players, I alternated with two of the Partners in playing right and right-center field. My fielding was good as I only had one hit to me and I stopped it nicely. But hitting would be the best way to prove my value.

The first time I was up, there were, of course, two outs. The pitcher lofted one at me and I swung for all I was worth. I was trying too hard. To my surprise, I hit the ball.

Unfortunately, the pitch was two feet above my head so the ball went straight to the second basemen. He reached up and snagged it. One out for me. I had a sudden vision of the unemployment line.

The second time I was determined to get on base and I did. However, there had been a man on first and my ground ball to the shortstop did nothing but get the runner thrown out at second. I didn't score as someone else hit the last out. Two outs for me. (Actually, one out for me and one out caused by me, but who's counting?)

As I stood at the plate for the third and last time that game, the scene was out of a kid's fantasy. Tragically, the kid was Edgar Allan Poe. It was the bottom of the last inning. Due to a late rally, we were only three runs down and had bases loaded. There were two outs. Believe me, this is all true.

I approached the batter's box, my eyes set in a grim look of determination. My goal was a simple one - don't swing at the first pitch. If I could do that, I'd count the night a victory. Suddenly, one of the Senior Partners yelled from the dugout, "If you hit a home run, you're a Partner."

Light exploded in my head, whiteness surrounded me. Angels sang on high. The bat in my hands had no weight. My arms were mighty engines waiting to be driven into action. Suddenly, I was a baseball machine. PARTNER!

In utter confidence and strength, I took a practice swing and hit myself in the back of the head. I snapped out of the dream and into unconsciousness. Waking up minutes later, I got up and stood in the batter's box. Everyone was waiting.

"Don't feel as if there's any pressure," one of the associates yelled. I pretended to spit tobacco at him but hit the umpire instead.

I stared at the pitcher in a vain attempt at intimidation. He stared back. I blinked and my eyes watered. I wished he'd quit staring. It really bothered me.

I rubbed dirt on my hands and started to sneeze; I'm allergic to dust. I hunkered down and waited for the first pitch. Don't swing, I told myself. Just don't swing...

The Ongoing Adventures of Superclerk

The pitch came, I swung.

CRACK! said the bat as I connected.

A mighty shot, racing away from me! Time seemed to slow as the ball continued on its heavenly course. The crowd cheered as the base runners started to advance, but everyone's eyes were glued to the small white orb hurtling through the air. It sailed on and on, its destination, destiny! Suddenly, after what seemed like several minutes, something happened.

The ball reached the pitcher's mound.

The pitcher knocked the ball to the ground.

The ball rolled off the mound and the pitcher grabbed it. He threw it easily to third and made the force play. Three outs. Game over. We lose.

Of course, I can laugh about it now. Occasionally, I still cry about it too. I blew a Partnership in the space of two seconds and one pitch. Not many people can say that. Mostly, when I think about it I'm reminded of that traditional American song, how does it go? Something like this:

Take me out of the ball game,

Put me back in the crowd.

Buy me some lessons from Connie Mack,

The team will be bett'r if I never come back.

So it's root, root, root for the firm's team,

If they don't win it's my job.

Cause it's one, two, three strikes I'm out
and it's so long, Bob!

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Law in the Raw

Green Eggs and Ham?

There are some people in this world who just gravitate to the spotlight. Arthur Liman, litigator extraordinaire, and former counsel to the Senate Iran-Contra committee, is one such person. But Arthur hammed it up recently in a way not even he could have anticipated.

Liman was speaking to the American Jewish Congress in Washington. Prior to the meeting, there was a breakfast. Just before Liman was to speak, however, a nervous representative of the group took to the microphone. "I have to interrupt your breakfast," she said. Conversation stopped, and she continued ominously, "I have just been informed there's ham in your eggs."

The unflappable Liman (with the flappable hair) was amused. "Washington's a most unusual town. You have an after-dinner speech at breakfast. And at most gatherings of the American Jewish Congress, they don't serve ham and eggs."

Shaken, the group tried to continue, only to be interrupted by a false fire alarm, but Liman continued with his speech, in which he stated that no new information had been uncovered that would change the conclusions the committee reached.

Leonard Garment of Dickstein, Shapiro & Morin was in the audience, and quipped, "It's too bad it wasn't a real fire, so the headline tomorrow could read 'Liman Speech

Interrupted by Discovery of Smoking Bun."

Washington Legal Times, May 8, 1989

Let Me Rephrase That

We at LITR like to present the truth about the legal profession on these pages. In keeping with that spirit, we present the actual give and take that occurs in an actual trial. Read on, and try to remember why you didn't become a doctor, like your mother wanted.

Q: While you were in the house, the person who was downstairs with the gun didn't order you out of the house, isn't that correct?

A: No, he didn't order. I just went out. I just went out and—

Q: You went downstairs and out the door without being asked to do so or without being told to do so, correct?

A: Yah. He told me to come here.

Q: Well, just a minute ago —

A: Wait a minute.

THE COURT: Don't argue with the witness, Mr. Goldstein.

MR. GOLDSTEIN: I'm trying not to, your Honor. I'm trying to find out what happened.

THE COURT: Ah.

MR. GOLDSTEIN: And every time he tells it, it's different.

THE COURT: Mr. Goldstein —

By Colin Zick and Tom Pasternak

MR. DERMANULIAN: It's not different, your Honor. It's just not coming out the way defense counsel wants.

THE COURT: — Don't argue with the witness and don't argue with me.

MR. GOLDSTEIN: Your Honor, I want it to come out the way it happened. That's the only way I want it to come out. And I would appreciate Mr. DerManulian—

THE COURT: Well, the witness is particularly—I'm listening.

MR. GOLDSTEIN: Unless Mr. DerManulian has a degree in mind reading, your Honor, I would ask that he refrain from those kinds of comments.

MR. DERMANULIAN: Would Mr. Goldstein like me on the stand, too?

THE COURT: Ah —

MR. GOLDSTEIN: Yah, I'd like you on the stand. Why don't you get up there, jerk?

THE COURT: Cut it out. Just cut it out.

The witness is suggestible. It's obvious that the witness is suggestible, Mr. Goldstein.

MR. DERMANULIAN: Do you get paid extra to be (indiscernible)?

MR. GOLDSTEIN: Mr. —, Mr. —. Your Honor, I would like the record to reflect that Mr. DerManulian just called me an ass hole.

Actual Trial Transcript